

**VOLUNTARY CLEANUP PROGRAM
BOILERPLATE OPINION LETTER**

**OPINION ON
COMPLETED CLEANUP ACTION**

**NO FURTHER ACTION
DETERMINATION**

July 2005

[DATE]

[CLIENT NAME]

[STREET ADDRESS]

[CITY, STATE POSTAL CODE]

Re: No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site:

- Name: [SITE NAME]
- Address: [SITE ADDRESS]
- Facility/Site No.: [SITE NUMBER]
- VCP No.: [VCP NUMBER]

Dear [CLIENT NAME]:

Thank you for submitting your independent remedial action report for the [SITE NAME] facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

[CLIENT NAME]

[DATE]

Page 2

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. [Include any independent remedial action reports submitted to Ecology [DATE and AUTHOR(S)]]
2. [Include any other documents and/or information reviewed by Ecology [DATE and AUTHOR(S)]]

The documents listed above will be kept in the Central Files of the [REGION] Regional Office of Ecology ([REGION ABBREV.]) for review by appointment only. Appointments can be made by calling the [REGION ABBREV.] resource contact at [PHONE NUMBER].

The Site is defined by the extent of contamination caused by the following release(s):

- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)];
- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)].

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above. [NOTE: The enclosure must include sufficient information to define the nature and extent of the contamination caused by the identified release(s). The enclosure should include both a written description of the Site and a detailed Site diagram. The diagram may be omitted only if one is neither available nor required to determine compliance with substantive requirements.]

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

[If periodic reviews and confirmational monitoring are required at the Site, insert the following paragraph: Please note that this Site is subject to periodic review under WAC 173-340-420 because [INSERT APPLICABLE BASIS FROM WAC 173-340-420(2)]. Confirmational monitoring is required at the Site to enable periodic reviews and confirm the long-term effectiveness of the cleanup action. Ecology has approved the confirmational monitoring plan you submitted for the Site. The plan will be kept in the Central Files of the [REGION] Regional Office of Ecology ([REGION ABBREV.]) for review by appointment only. If any portion of that plan is violated, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site. If Ecology conducts a periodic review and

[CLIENT NAME]

[DATE]

Page 3

determines that further action is required at the Site, then this opinion will automatically be rendered null and void.]

[If institutional controls are required at the Site, insert the following paragraph:

This opinion is based on the continued effectiveness of the institutional control(s) required as part of the cleanup action for the Site under WAC 173-340-440. A copy of the Restrictive Covenant(s) filed for any property as part of the cleanup action for the Site is enclosed with this letter as Enclosure B. If any portion of any Restrictive Covenant is violated, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.]

[Insert one of the following two paragraphs based on whether the Site is listed on the HSL:

Option #1 – Site on HSL:

Based on this no further action determination, Ecology will update the status of the Site on its site database and initiate the process for removing the Site from the Hazardous Sites List (HSL). Before deciding to remove the Site from the HSL, Ecology must first provide the public with notice and an opportunity to comment. If the Site is removed from the HSL, the Site will also be removed from the Confirmed and Suspected Contaminated Sites List. [If the Site is also listed on the LUST list, insert the following at the end of the preceding sentence: "...and the Leaking Underground Storage Tank (LUST) List."]

Option #2 – Site not on HSL:

Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List. [If the Site is also listed on the LUST list, insert the following at the end of the preceding sentence: "...and the Leaking Underground Storage Tank (LUST) List."]

This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by [NAME OF OWNER/OPERATOR].

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

[CLIENT NAME]

[DATE]

Page 4

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at [PHONE].

Sincerely,

[SITE MANAGER NAME]

[REGION ABBREV.] Toxics Cleanup Program

[AUTHOR INITIALS]: [SECRETARY INITIALS]

Enclosures: [NUMBER]